Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/469,561	PAGEL
	Examiner	**Art Unit**
	Richard Woo	3629

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 December 2002_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19,21-28,30-34 and 36-46_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19,21-28,30-34 and 36-46_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Response to Arguments

1)   Applicant's arguments, filed December 10, 2002, have been fully considered and

are persuasive. The rejections of claims under 102 and 103 have been withdrawn.

Claim Rejections - 35 USC § 112

2)   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3)   Claims 1-19, 21-28, 30-34 and 36-46 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

In Claim 1, line 3, the recitation of "certain" renders the claim indefinite because it

is not clear what constitutes "certain" data bits from the data stream.

In Claim 2, line 3, the recitation of "printing" renders the claim indefinite because

it is not clear to which "printing" (printing one or more sheets of paper information, or

printing a postage indicia) function the applicant is referring.

In Claim 5, line 2, the recitations of "additional" and "another" render the claim

indefinite because it is not clear what kind of data the printer driver accepts and what

constitutes "another source".

In Claim 6, line 2, the recitation of "multiple locations" renders the claim indefinite

because it is not clear where the multiple locations are positioned (in memory? In printer

driver?)

In Claim 11, line 1, the alternative language, "and/or", renders the claim indefinite because it is not clear whether the function comprises both the change in location of the data and the format of the data, or either the change or format.

In Claim 15, line 2, the recitation of "certain preestablished" renders the claim indefinite because it is not clear what kind of data patterns are "certain preestablished."

In Claim 23, line 1, the recitation of "The method" lacks antecedent basis.

In Claim 23, line 1, the recitation of "certain" renders the claim indefinite because it is not clear what constitutes "certain" information.

In Claim 23, line 3, "may" renders the claim indefinite because it is not clear whether the printing device actually prints or not.

In Claim 23, line 6, the recitation of "additional functions" renders the claim indefinite because the applicant fails to claim the **first** "Function" so as to claim "Additional Functions" (logically, without the first function there would be no additional ones).

In Claim 25, line 1, the recitation of "certain portions" renders the claim due to the same reason as noted earlier.

In Claim 33, line 3, the recitation of "said computer product" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4)   Claims 1-10 and 12-19, 21-28, 30-34 and 36-46, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Axelrod et al. (US 4,862,386).

Axelrod et al. discloses a printer driver comprising:

means for abstracting at least a portion of a data stream (see Fig. 2d);

means (450) for using the abstracted data for controlling the function of printing

of a postage indicia;

means for creating data for controlling the printing of the postage indicia;

wherein the printing of address information on material is separate from the

printing (see Fig. 2d);

wherein the printing of a postage indicia is separate from printing (see Fig. 2d);

a dialog box for allowing options from a user (see 3 for the display that enables

the user to select options);

storage in a memory (every computer device has the memory);

wherein the abstracted portion is directed to a viewable medium (see Fig. 3);

wherein the form of the data changes;

wherein a program in a computer controls at least a portion of the printing of the

printer;

wherein the printer driver is located remote from the computing device, or within

the printer (see Fig. 2d (driver within the printer) and Fig. 3(remote from the computer));

means for abstracting including means for the data patterns;

wherein the data patterns are selected from the list including: return address,

destination address, beginning and ending of postage indicia data, beginning and

ending of address information, beginning and ending of document and the number of

pages of the document (see Figs.); and

wherein the postage indicia is printed on a document that is separate from the

document for the data stream (see Fig. 2d).

Axelrod et al. discloses a method comprising the steps of:

sending a data stream to a printer (see Figs.);

reviewing the data stream to create a separate data stream;

maintaining in a secure memory an amount available for controlling a generation

of a postage indicia (see Fig. 2d);

calculating an amount of postage (for a particular printing) under joint control of

the secure memory and the separate date stream (see Fig. 2d and the pertinent

disclosure section);

deducting the calculated postage amount from the secure memory when the

calculated postage amount is available in the secure memory (see Fig. 2d and the

pertinent disclosure section);

wherein the reviewing step includes copying from the data stream (address

information, postage indicia information, enabling a dialog box);

creating from the address information a postage indicia;

wherein the separate data stream includes data accepted from an alternative

(external) source (see Figs.); and

wherein the dialog box interacts with a user to provide: return address, logo, data

of mailing, etc, (see Figs.).

Conclusion

5)   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,384,886 is cited to show a process for electronically printing envelopes in which a list of recipient and sender names and addresses are stored in libraries in memory for selective accessing when programming an envelope print job.

US 5,869,824 is cited to show a data out controller that is provided with a data printing area for storing print data. Management data is generated by the attribute data of a banner page and is stored in a management table.

US 6,282,524 is cited to show a method and system for printing a postage meter indicia from a data processing system. The printing of the indicia is under control of an indicia control in an object linking and embedding environment. The indicia control is attached to an application window for use by the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

0861.

Richard Woo
Patent Examiner
GAU 3629
April 5, 2003

JOHN G. WEISS
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